

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION.

This Document relates to:

Burst.com, Inc. v.
Microsoft Corp.,

Civil Action No JFM-02-cv-2952

MDL Docket No. 1332

Hon. J. Frederick Motz

BURST.COM, INC.'S RULE 30(b)(6) DEPOSITION NOTICE

PLEASE TAKE NOTICE THAT, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Burst will take the deposition of Microsoft Corp. on the following days:

Location: Preston, Gates & Ellis
925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158

Date: September 18, 2003
9:30 a.m.

This deposition will be videotaped. All examinations shall be taken before a Notary Public or some other person authorized by law to administer oaths. Said examinations will continue from day to day until completed. You are invited to attend and cross-examine.

In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, Microsoft Corp. is advised of its duty to designate one or more of its officers, directors, or other persons to testify on its behalf with respect to the following subjects:

The person or persons most knowledgeable about the following subjects:

1. Microsoft's decision to change the operation of its backup tape system to discontinue the preservation of e-mails archived on file servers, including who made the decision, the reasons for the change, the actual date of implementation, and any notice of the change provided to plaintiffs' counsel in any Microsoft antitrust litigation.
2. Microsoft's decisions not to map custodians to servers; and
3. Microsoft's decisions to destroy file catalogues created for the backup file server tapes.

DATED: September 12, 2003

SPENCER HOSIE (Ca Bar # 101777)
BRUCE J. WECKER (Ca Bar # 078530)
HOSIE, FROST, LARGE & McARTHUR
One Market, Spear Street Tower, 22nd Floor
San Francisco, CA 94105
Telephone: 415-247-6000

ROBERT YORIO (Ca Bar # 93178)
CARR & FERRELL, LLP
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
Telephone: 650-812-3400

By: /s/
Bruce Wecker
Attorneys for Plaintiff Burst.com, Inc.

PROOF OF SERVICE

I am employed in the State of California, County of San Francisco. I am over 18 years of age and am not party to the within action. My business address is One Market, Spear Tower, Suite 2200, San Francisco, California 94105.

On September 12, 2003, I served Burst.Com, Inc.'s Rule 30(b)(6) Deposition Notice upon counsel named below as indicated:

John W. Treece (*via Facsimile & Federal Express*)

SIDLEY AUSTIN BROWN & WOOD LLP

Bank One Plaza

10 South Dearborn Street

Chicago, IL 60603

Fax: 312.853.7036

John B. Isbister (*via Facsimile*)

TYDINGS & ROSENBERG LLP

100 East Pratt Street

Baltimore, MD 21202

Fax: 410-727-5460

Executed this 12th day of September, 2003.

/s/
Janine DeAndre